

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEARSON EDUCATION, INC.; CENGAGE
LEARNING, INC.; ELSEVIER INC.;
MCGRAW-HILL GLOBAL EDUCATION
HOLDINGS, LLC; and BEDFORD, FREEMAN &
WORTH PUBLISHING GROUP, LLC,

Plaintiffs,

-v-

DOE 1 D/B/A ANYTHING YOU CAN IMAGINE,
et al.,

Defendants.

No. 18-cv-7380 (PGG)

~~COUNTER-PROPOSED~~ JUDGMENT ON OFFER OF JUDGMENT

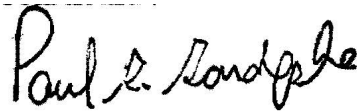
Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants Flipping Pages, Inc. (“Flipping Pages”), Benjamin Barrett Roberts, and Cameron Wesley Roberts (collectively, “Defendants”), served Plaintiffs Pearson Education, Inc., Cengage Learning, Inc., Elsevier Inc., McGraw-Hill Global Education Holdings, LLC, and Bedford, Freeman & Worth Publishing Group, LLC (collectively, “Plaintiffs”) with an Offer of Judgment whereby Defendants, without any admission that they are liable in this action or that Plaintiffs have suffered any damage, offered to allow judgment to be taken by Plaintiffs against Flipping Pages in the above-captioned action in the total amount of Two Hundred Thousand Dollars (\$200,000) (the “Offer of Judgment Amount”), which amount in total for all Plaintiffs shall be inclusive of all damages, costs, and attorneys’ fees incurred to the date of the Offer which are recoverable pursuant to 17 U.S.C. § 505, 15 U.S.C. § 1117, or otherwise, on the condition that all claims

against Defendants are dismissed with prejudice, and without costs, thereby disposing of this action as against Defendants in its entirety. Such Offer of Judgment was duly accepted by Plaintiffs. By accepting the Offer of Judgment, Plaintiffs acknowledge that the Offer of Judgment Amount includes all claims relating to and any potential damages concerning all of the copyrighted works identified in Exhibit A to the Offer of Judgment and any unauthorized copies of Plaintiffs' copyrighted works that may have been obtained by Plaintiffs in expedited discovery prior to the date of the Offer of Judgment.

NOW THEREFORE, it is hereby ordered, adjudged and decreed that Judgment is entered for Plaintiffs against Flipping Pages in the total amount of Two Hundred Thousand Dollars (\$200,000), inclusive of all damages, costs, and attorneys' fees.

IT IS FURTHER ordered, adjudged and decreed that all claims by Plaintiffs against Defendants are dismissed with prejudice, and without costs, thereby disposing of this action as against Defendants in its entirety.

Dated: July 3, 2019



Paul G. Gardephe
United States District Judge